

# EXHIBIT 1

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**From:** Floyd G. Short <fshort@SusmanGodfrey.com>  
**Sent:** Monday, November 11, 2013 11:25 PM  
**To:** Amrhein, Alexandra; Amy C. Leshan; Teran, Gregory; John LeRoy; Polley, John; Pearlson, Leslie; Summersgill, Michael; Petty, Sarah; Zubler, Todd  
**Cc:** MEDIUS-SG@lists.susmangodfrey.com  
**Subject:** Medius v. Ford - Narrowed list of 35 asserted claims

Counsel,

Pursuant to our agreement and the stipulation we filed on Friday, here is our narrowed list of 35 asserted claims:

137 claim 29  
073 claim 1  
260 claim 9  
739 claims 1, 3, 5, 16, 18, 20, 22  
136 claims 1, 3, 5, 16  
118 claims 1, 12, 15, 33, 35, 39  
119 claim 1  
028 claims 1, 3, 5, 15, 31  
268 claims 1, 2, 4, 5, 6, 9, 10, 11, 12

Per the parties' stipulation, we reserve the right to substitute other asserted claims for claims on this list based on the Court's final Markman order.

We look forward to receiving your narrowed list of 35 prior art references on November 18.

Best regards,  
Floyd

**Floyd G. Short**  
Susman Godfrey, L.L.P.  
Suite 3800  
1201 Third Avenue  
Seattle, WA 98101-3000  
Office (206) 373-7381  
Cell (206) 226-9210  
Fax (206) 516-3883  
fshort@susmangodfrey.com

[www.susmangodfrey.com](http://www.susmangodfrey.com)

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# EXHIBIT 2

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

EAGLE HARBOR HOLDINGS, LLC, and  
MEDIUSTECH, LLC,

Plaintiffs,

v.

FORD MOTOR COMPANY,

Defendant.

Case No. 3:11-cv-05503-BHS

**PLAINTIFFS' NOTICE OF  
SUBPOENA TO DAVID  
PATTERSON**

Please take notice that, pursuant to Federal Rules of Civil Procedure 26, 30, and 45, Plaintiffs Eagle Harbor Holdings, LLC, and MediusTech, LLC, will serve a subpoena directing David Patterson to produce testimony and documents as directed in the Subpoena in a Civil Case along with its exhibits, which are attached as Exhibit A. The deposition will be taken at Bienenstock Court Reporting, 211 West Fort St., Suite 1611, Detroit, Michigan, 48226 on March 17, 2014 at 9:00 am. The requested documents are to be produced at least one week in advance of the deposition, or at such other time and place as mutually agreed.

The deposition will be taken for the purpose of discovery, to perpetuate the testimony of the witness(es) for use at trial, and for all other purposes permitted under the Federal Rules of Civil Procedure. The deposition will be taken before an officer authorized

1 by the laws of United States to administer oaths and be transcribed by stenographic means  
2 and by videotape. The deposition will continue from day to day until completed, excepting  
3 Saturday, Sundays, and federal holidays, or as agreed to by the parties. You are invited to  
4 attend and examine the witness.

5  
6 **DOCUMENT REQUESTS**

7 See Exhibit A.

8  
9 Dated: March 6, 2014

10 By: /s/ E. Lindsay Calkins  
11 Parker C. Folse III (WSBA No. 24895)  
E-Mail: [pfolse@susmangodfrey.com](mailto:pfolse@susmangodfrey.com)  
12 Ian B. Crosby (WSBA No. 28461)  
E-mail: [icrosby@susmangodfrey.com](mailto:icrosby@susmangodfrey.com)  
13 Floyd G. Short (WSBA No. 21632)  
E-Mail: [fshort@susmangodfrey.com](mailto:fshort@susmangodfrey.com)  
14 Genevieve Vose Wallace (WSBA No. 38422)  
E-Mail: [gwallace@susmangodfrey.com](mailto:gwallace@susmangodfrey.com)  
15 Jordan Connors (WSBA No. 41649)  
E-Mail: [jconnors@susmangodfrey.com](mailto:jconnors@susmangodfrey.com)  
16 E. Lindsay Calkins (WSBA No. 44127)  
E-Mail: [lcalkins@susmangodfrey.com](mailto:lcalkins@susmangodfrey.com)

17  
18 SUSMAN GODFREY L.L.P.  
1201 3rd Avenue, Suite 3800  
Seattle, WA 98101  
19 Tel: (206) 516-3861  
20 Fax: (206) 516-3883

21 *Counsel for Plaintiffs*  
22  
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27  
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**CERTIFICATE OF SERVICE**

I hereby certify that on March 6, 2014 I served the foregoing document via email on the following:

Duncan E. Manville  
**Savitt Bruce & Willery, LLP**  
1425 Fourth Ave, Suite 800  
Joshua Green Building  
Seattle, WA 98101  
[dmanville@jetcitylaw.com](mailto:dmanville@jetcitylaw.com)

**Wilmer Cutler Pickering Hale & Dorr LLP**  
60 State Street  
Boston, MA 02109  
[michael.summersgill@wilmerhale.com](mailto:michael.summersgill@wilmerhale.com)  
[sarah.petty@wilmerhale.com](mailto:sarah.petty@wilmerhale.com)

**Wilmer Cutler Pickering Hale & Dorr LLP**  
1875 Pennsylvania Avenue NW  
Washington, DC 20006  
[Elise.Miller@wilmerhale.com](mailto:Elise.Miller@wilmerhale.com)  
[grant.rowan@wilmerhale.com](mailto:grant.rowan@wilmerhale.com)  
[todd.zubler@wilmerhale.com](mailto:todd.zubler@wilmerhale.com)

**Brooks Kushman P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075  
[fangilero@brookskushman.com](mailto:fangilero@brookskushman.com)  
[jleroy@brookskushman.com](mailto:jleroy@brookskushman.com)

/s/ E. Lindsay Calkins

# EXHIBIT 3



The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

EAGLE HARBOR HOLDINGS, LLC, and  
MEDIUSTECH, LLC,

Plaintiffs,

v.

FORD MOTOR COMPANY,

Defendant.

Case No. 3:11-cv-05503-BHS

**PLAINTIFFS' THIRD  
SUPPLEMENTAL OBJECTIONS  
AND RESPONSES TO  
DEFENDANT FORD MOTOR  
COMPANY'S THIRD SET OF  
INTERROGATORIES**

**CONFIDENTIAL**

Eagle Harbor Holdings, LLC, and MediusTech, LLC, ("Plaintiffs") serve these Supplemental Responses and Objections to Defendant Ford Motor Company's ("Ford's") Third Set of Interrogatories as follows.

**GENERAL OBJECTIONS**

1. Plaintiffs object to each instruction, definition, and interrogatory to the extent that it requires the disclosure of information outside the scope of discovery permitted by the Federal Rules of Civil Procedure (the "Federal Rules") or the Local Rules of the United States District Court for the Western District of Washington (the "Local Rules").

2. Plaintiffs object to each instruction, definition, and interrogatory to the extent that it seeks documents or information protected from disclosure by the attorney-client privilege, the work-product doctrine, the settlement privilege, common legal interest

**Interrogatory No. 14:**

If you contend that any asserted claim is not obvious in view of Ford's Invalidity Contentions, explain the factual and legal bases for your contention, including a specific identification of all document pages, witnesses, testimony, and other evidence supporting your non-obviousness contention.

**Answer to Interrogatory No. 14:**

Plaintiffs object that this interrogatory is overly broad and unduly burdensome, on the ground that Defendant's Preliminary Invalidity Contentions include 53 charts and 40 modules asserting prior art references and also list more than 400 prior art references—many of which are hundreds of pages in length and many of which Defendant has identified without reference to any particular page number, or patent, claim, or limitation, in suit. Plaintiffs further object that this interrogatory is overly broad, unduly burdensome, and abusive, in that it purports to require a narrative response setting forth “all” document pages, “all” witnesses, “all” testimony and “all” other evidence. *See, e.g., Advocare International, L.P. v. Scheckenbach, et al.*, 2009 WL 3064867 at \*1 (W.D. Wash. 2009); *Olson v. City of Bainbridge Island*, 2009 WL 1770132 at \*5 (W.D. Wash. 2009). Plaintiffs further object that this interrogatory prematurely calls for disclosure of expert opinions and testimony far in advance of the deadline for disclosures of expert opinions and testimony set by the Court's Minute Order Setting Jury Trial, Pretrial Dates and Ordering Mediation (Dkt. No. 39). Plaintiffs further object to this interrogatory as inconsistent with the parties' burdens of proof and the presumption that the patents-in-suit are valid. Plaintiffs further object to this interrogatory to the extent that Defendant fails to identify the particular claim elements or aspects of claim elements that it contends are obvious in light of art cited in its Invalidity Contentions.

**Supplemental Answer to Interrogatory No. 14:**

None.

**Second Supplemental Answer to Interrogatory No. 14:**

Subject to the foregoing objections, and without undertaking to identify “all” factual bases, factual support, documents, document pages, witnesses, testimony, or other evidence that supports or shows the non-obviousness of the asserted patents and claims, Plaintiffs will provide a reasonable response to this interrogatory by identifying the following facts showing secondary considerations of non-obviousness:

(1) Ford’s infringement and implementation of the asserted claims in SYNC and Active Park Assist has resulted in tremendous commercial success for SYNC, Active Park Assist, and Ford in the automotive market, as shown at least in part by Ford’s financial documents, customer surveys, and marketing materials that are publicly available or have been produced in discovery;

(2) There has been a long-felt but unmet need for the inventions of the asserted claims, as shown at least in part by Ford’s lengthy efforts to develop collision avoidance systems and vehicle infotainment systems with wireless integration of mobile phones and other devices for years after the filing of the asserted patents, while not succeeding in producing vehicles with such systems until 2007 (SYNC) and 2009 (APA);

(3) Persons or companies in the industry made contemporaneous oral and written statements approving of and/or recognizing the uniqueness and value of Medius’s patented technology, including at least BAE, Ford, Motorola, Raytheon, and Volvo. *See, e.g.*, EHH0088954, EHH0010917-922, EHH0326585-601, EHH0458509-515, EHH0455700-707, and numerous emails produced by both parties in discovery in which Ford and Volvo made such statements and expressed the desire to learn more about Medius’s technology, meet in person with Medius employees, and collaborate with Medius on new automotive products;

(4) The failure of other vehicle manufacturers to produce vehicles with the functionality of SYNC and APA until approximately the same time Ford did so; and

1 (5) The patent examiners' allowance and statements of reasons for allowance of the  
2 asserted patents and statements concerning prior art references made in the course of the  
3 prosecution of the asserted patents, including the Notices of Allowance and Examiners'  
4 Statements of Reasons for Allowance for U.S. Patent Nos. '260, '739, '136, '119, and '028.

5 **Third Supplemental Response to Interrogatory No. 14:**

6 Plaintiffs reiterate and incorporate the foregoing objections and responses and  
7 supplement their response to this interrogatory as follows.

8 Witnesses with knowledge and supporting evidence about secondary considerations  
9 of non-obviousness of the patents-in-suit, including the secondary conditions described in  
10 Plaintiffs' prior responses to this interrogatory, include Paul Carlson, Michael Cops, Pierce  
11 Lutter, Michelle Moody, David Nason, Timothy Nixon, Tracey Olson, Dan Preston, Joe  
12 Preston, Roger Collis, David Marsing, Sam Hemingway, and Ken Schofield, all of whom  
13 have testified at deposition in this case. Documentary evidence supporting secondary  
14 considerations of non-obviousness also includes the documents marked as deposition  
15 exhibits in this case, including exhibits used in the depositions of those persons. Plaintiffs  
16 also incorporate by reference the expert report of Michael Wagner dated February 10, 2014,  
17 and the documents cited therein.

18  
19 As a further response to this interrogatory, Plaintiffs contend that none of the  
20 asserted claims is obvious based on the reasons stated and the documents cited in this and  
21 prior responses to this interrogatory and in the forthcoming rebuttal expert reports  
22 concerning the validity of the patents-in-suit.

23 Because discovery is not yet complete, including some fact depositions that may  
24 result in responsive testimony, responsive expert reports have not been served, and expert  
25 depositions have not occurred, Plaintiffs reserve the right to further supplement this response  
26 or to rely on documents, testimony, or other evidence not cited in these responses.  
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